

**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

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In reply refer to Public Notice No.

**200500678**

Issuance Date:

**October 11, 2005**

Stream:

Closing Date:

**Unnamed Tributary of Adair Run November 10, 2005**

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

**ATTN: CELRH-OR-F** Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

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**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

**APPLICANT:** Appalachian Power Company-Glen Lyn Plant  
 c/o American Electric Power  
 1 Riverside Plaza, Floor 22  
 Columbus, Ohio 43215-2373

**LOCATION:** The proposed project would be located approximately 0.4 miles north of U.S. Route 460 and 0.3 miles west of State Road 648 near the West Virginia – Virginia state line, in Mercer County, West Virginia. **Drawing No. 1** depicts the location of the proposed project.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to construct a new landfill for disposal of coal combustion by-products generated from the applicant's Glen Lyn Plant (located in the town of Glen Lyn, Giles County, Virginia). The landfill construction would include haul road improvements, installation of a truck weight scale and drainage improvements along State Road 648. The project would also involve the construction of a transmission line in order to transport leachate from the landfill to an existing collection and treatment pond. The existing treatment pond discharge presently operates and would continue to operate under a Virginia Pollutant Discharge Elimination System (VPDES) permit. The discharge intersects the left descending bank of the New River at approximate mile point 28.9.

The proposed landfill construction would involve a total of 810 linear feet<sup>1</sup> of permanent ephemeral stream impacts to jurisdictional waters of the United States. The applicant originally proposed to impact an additional 30 linear feet of ephemeral stream (in Giles County, Virginia) for a road crossing, however, this office has been advised the design has been revised and these impacts would be avoided.

**MITIGATION PLAN:** The applicant has proposed compensatory mitigation to offset the impacts to jurisdictional waters of the U. S., which are regulated by the Department of the Army, Corps of Engineers. The applicant proposes the perpetual preservation of 800 linear feet of stream<sup>2</sup>. The proposed preservation includes a 100-foot corridor along these stream segments. In addition, the applicant has proposed to develop and implement an annual clean-up on 3,345 linear feet of Adair Run between 2006 and 2016.

**WATER QUALITY CERTIFICATION:** Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

**HISTORIC AND CULTURAL RESOURCES:** The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. This public notice serves as coordination with the State Historic Preservation Officer regarding historic properties. If the West Virginia Division of Culture and History (WVDCH) believe any potential effects to historic properties may result from the proposed permitting action, we request they provide information to this

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<sup>1</sup> 725 linear feet of Stream 3 and 85 linear feet of Stream 4, as depicted on **Drawing No. 5**

<sup>2</sup> 630 linear feet of Stream 2 and 170 linear feet of Stream 3.

office pursuant to Section 106 of the National Historic Preservation Act. It should be recognized the applicant has performed Cultural Resource Reports in accordance with coordination with the WVDCH. Also, the applicant has provided correspondence<sup>3</sup> indicating the project would have no effects to architectural or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places.

**ENDANGERED/THREATENED SPECIES REVIEW:** This public notice also serves as coordination with the U. S. Fish and Wildlife Service (USFWS) regarding threatened or endangered species. The proposed project lies within the distribution range of the Bald Eagle (*Haliaeetus leucocephalus*), Indiana Bat (*Myotis sodalis*), Eastern Cougar (*Felis concolor cougar*) and Virginia Spiraea (*Spiraea virginiana*), as indicated from the state list provided by the USFWS website (revised April 12, 2002). If the Service believes any potential effects to federally listed species would be attributable to the Huntington District's proposed permitting action, we request the Service provide information pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.


**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties

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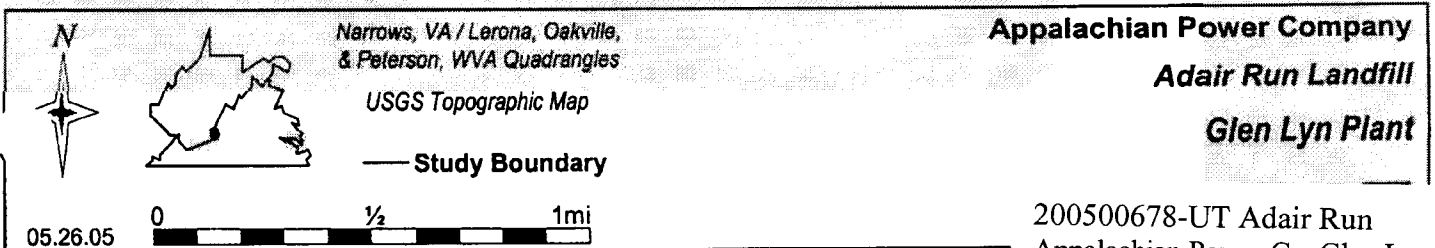
<sup>3</sup> WVDCH correspondence dated August 10, 2005 (FR#: 05-847-MC-1) and September 6, 2005 (FR#: 05-847-MC-2).

in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mr. Michael Hatten, Project Manager, South Regulatory Section, CELRH-OR-FS, U. S. Army Corps of Engineers Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Mr. Michael Hatten at (304) 399-5710.

  
Ginger Mullins, Chief  
Regulatory Branch

(W)



200500678-UT Adair Run  
Appalachian Power Co. Glen Lyn Plant  
Coal Combustion By-Product Landfill  
Drawing 1 of 5

APPALACHIAN POWER COMPANY  
GLEN LYN PLANT  
ADAIR RUN LANDFILL  
AUGUST 5 2005

ON 340

APPALACHIAN POWER COMPANY  
GLEN LYN PLANT  
ADAIR RUN LANDFILL  
AUGUST 5 2005

NEW RIVER FLOW

LEACHATE POND  
WE 1537.1

EXISTING COAL COMBUSTION BY-PRODUCT LANDFILL  
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE DISPOSAL PERMIT NO. 222

LEACHATE TRANSMISSION LINE

Stream 6  
630 L.F.

Study Boundaries

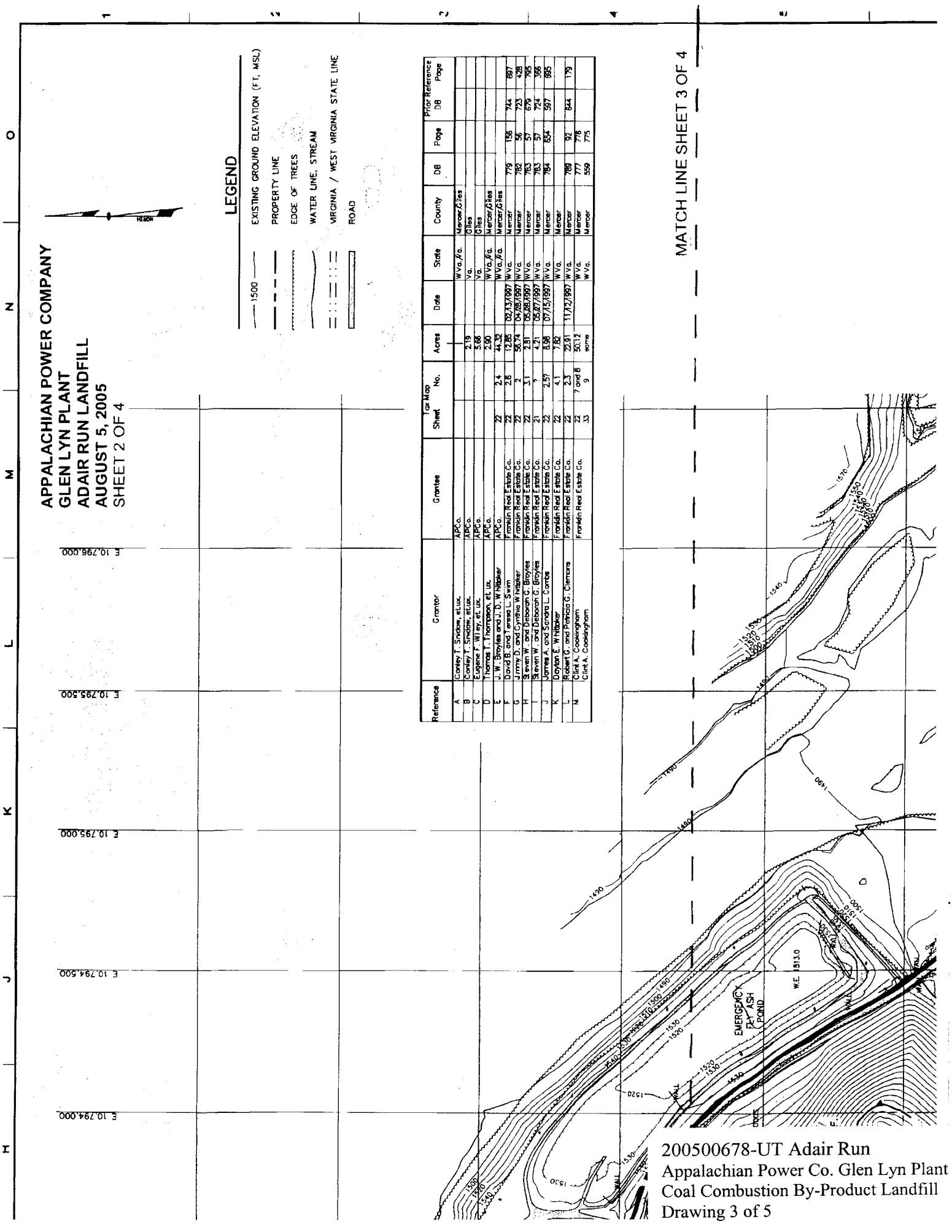
DENSE WOODS

Match Line Sheet 2 of 4

LINE SHEET 4 OF 4

200500678-UT Adair Run  
Appalachian Power Co. Glen Lyn Plant  
Coal Combustion By-Product Landfill  
Drawing 2 of 5

200500678-UT Adair Run  
Appalachian Power Co. Glen Lyn Plant  
Coal Combustion By-Product Landfill  
Drawing 2 of 5



APPALACHIAN POWER COMPANY  
GLEN LYN PLANT  
ADAIR RUN LANDFILL  
AUGUST 5, 2005  
SHEET 2 OF 4

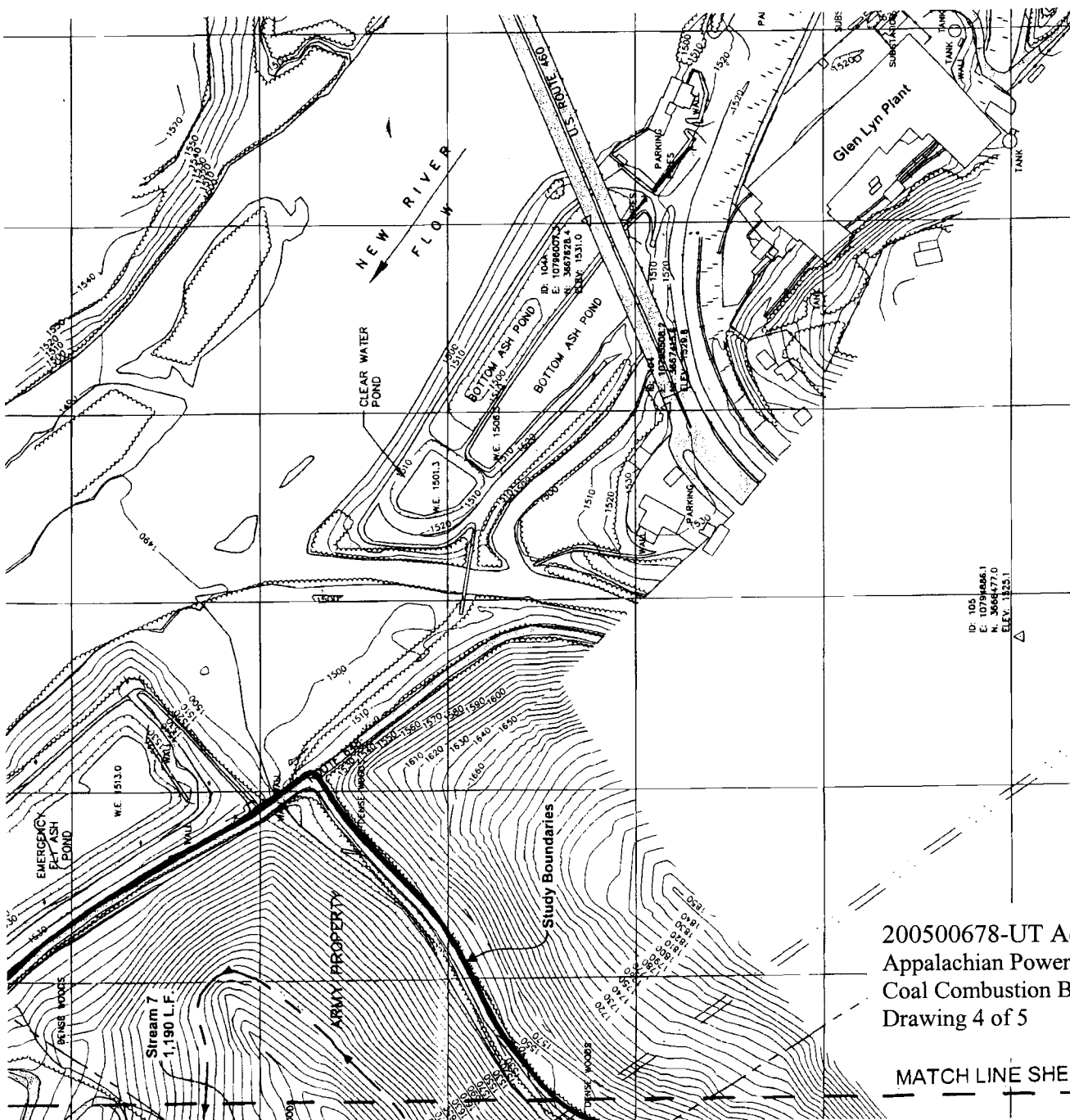
LEGEND

- EXISTING GROUND ELEVATION (FT. MSL)
- PROPERTY LINE
- EDGE OF TREES
- WATER LINE, STREAM
- VIRGINIA / WEST VIRGINIA STATE LINE
- ROAD

Reference	Grantor	Grantee	For Map Sheet No.	Acres	Date	State	County	DB	Page	Prior Reference DB	Page
A	Conley F. Shadow, et ux.	APCo.		2.19		W.Va./Va.	Mercur/Giles				
B	Conley F. Shadow, et ux.	APCo.		3.68		Va.	Giles				
C	Eugene F. Wiley, et ux.	APCo.		2.90		W.Va./Va.	Mercur/Giles				
D	Thomas T. Thompson, et ux.	APCo.		4.32		W.Va./Va.	Mercur/Giles				
E	J. W. Broyles and J. D. Whitaker	Franklin Red Estate Co.	22	2.4	02/13/1997	W.Va.	Mercur	779	156	744	887
F	David B. and Teresa L. Swen	Franklin Red Estate Co.	22	2.6	04/28/1997	W.Va.	Mercur	782	56	723	428
G	Jimmy D. and Cynthia W. Harker	Franklin Red Estate Co.	22	2	05/28/1997	W.Va.	Mercur	783	57	724	985
H	Steven W. and Deborah G. Broyles	Franklin Red Estate Co.	21	3.1	05/27/1997	W.Va.	Mercur	784	57	724	985
I	Steven W. and Deborah G. Broyles	Franklin Red Estate Co.	21	4.21	07/15/1997	W.Va.	Mercur	784	654	587	885
J	James A. and Sandra L. Cortes	Franklin Red Estate Co.	22	2.57		W.Va.	Mercur	789	92	844	179
K	Dayton E. Whitaker	Franklin Red Estate Co.	22	4.1	11/12/1997	W.Va.	Mercur	777	778		
L	Robert G. and Patricia G. Clemens	Franklin Red Estate Co.	22	2.3		W.Va.	Mercur	559	775		
M	Cliff A. Coodingham	Franklin Red Estate Co.	22	50.12		W.Va.	Mercur				
N	Cliff A. Coodingham	Franklin Red Estate Co.	33	9		W.Va.	Mercur				

MATCH LINE SHEET 3 OF 4

APPALACHIAN POWER COMPANY  
 GLEN LYN PLANT  
 ADAIR RUN LANDFILL  
 AUGUST 5, 2005  
 SHEET 3 OF 4



200500678-UT Adair Run  
 Appalachian Power Co. Glen Lyn Plant  
 Coal Combustion By-Product Landfill  
 Drawing 4 of 5

MATCH LINE SHEET 4 OF 4

DATE	NO.	DESCRIPTION	APPROVED

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APPALACHIAN POWER CO.  
 GLEN LYN PLANT  
 GLEN LYN, VIRGINIA

ADAIR RUN  
 COAL COMBUSTION BY-PRODUCTS LANDFILL  
 Figure 5  
 Impact Map with Delineation Overlay

DWG. NO.

CIVIL ENGINEERING DIVISION

SCALE: 1" = 400'	APPROVED BY
DR	
CHK	
ENGR	
PROJ	
DATE	

1 RIVERSIDE PLAZA  
 COLUMBUS, OH 43215

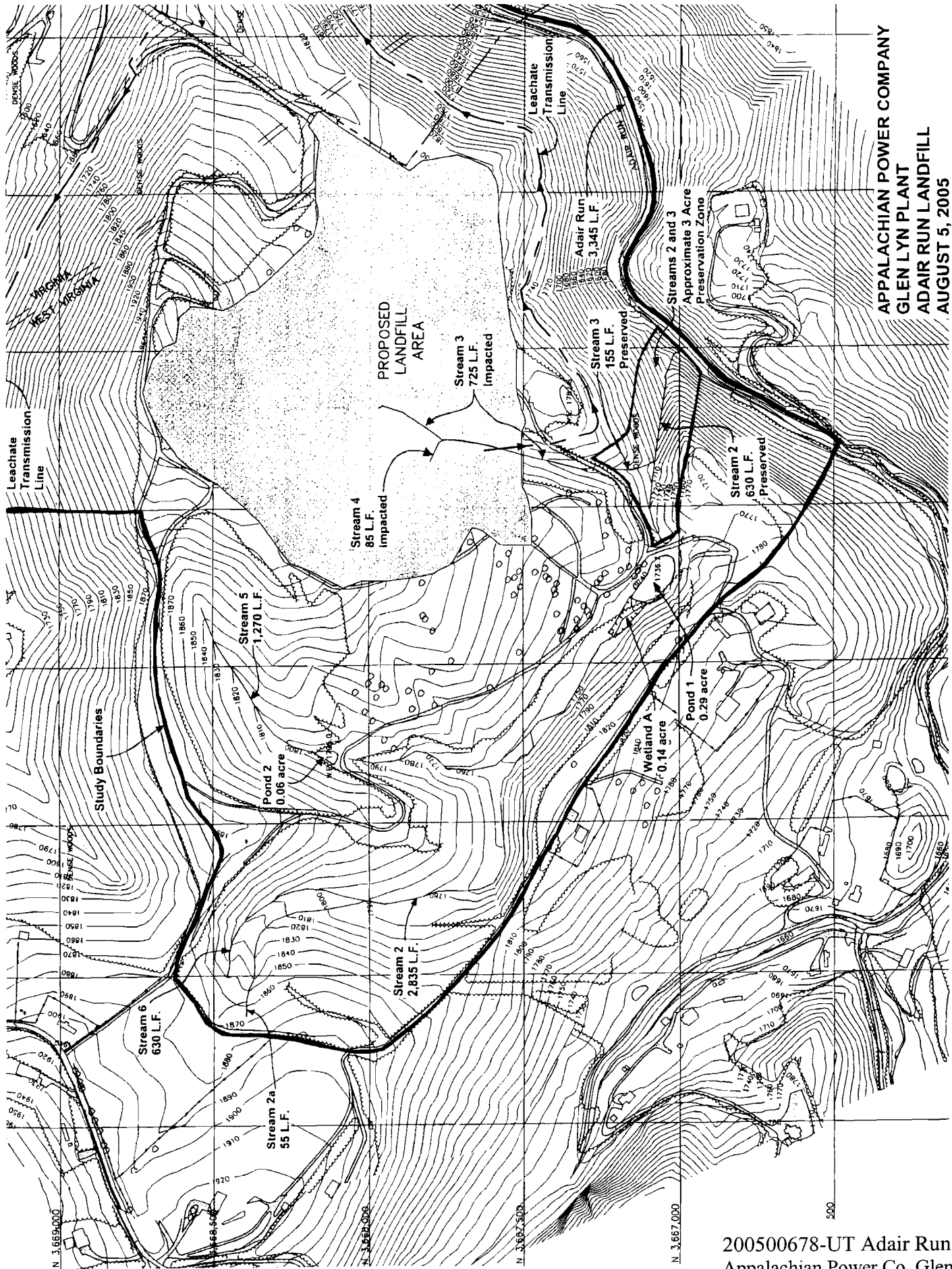
GeoSYNTEC  
 CONSULTANTS  
 15015 OLD COLUMBIANA ROAD, SUITE A-200  
 COLUMBUS, OHIO 43240-4332

PROJECT NO.  
 FILE NO.  
 DRAWING OF

N

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SYSTEM DATE



APPALACHIAN POWER COMPANY  
 GLEN LYN PLANT  
 ADAIR RUN LANDFILL  
 AUGUST 5, 2005  
 SHEET 4 OF 4

